

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

THERESA BRYANT, JILL MANNING,
SUSAN SNYDER, DIANE ELLIOTT,
Individually and for the benefit of others,

Plaintiffs,

v.

ENTERTAINMENT SHOPPING, INC. doing
Business as Swoopo.com and oohilove.com, a
California Corp.; BIDCACTUS, LLC, a
Delaware limited liability company; QUIBIDS,
LLC, a foreign limited liability company;
BEEZID, INC. d/b/a Beezid.com, a
Canadian Corp., PROJECT FAIR BID,
INC., d/b/a BigDeal.com, a Delaware
Corp.,

Defendants.

Case No. 1:11-cv-01013

DEFENDANT BIDCACTUS, LLC'S
MOTION TO SEVER AND TRANSFER VENUE
TO THE DISTRICT OF CONNECTICUT OR DISTRICT OF DELAWARE

Defendant Bidcactus, LLC, ("Bidcactus") hereby moves the Court to transfer this action to the District of Connecticut, pursuant to 28 U.S.C. § 1406(a). Venue is proper in that District under 28 U.S.C. §1391. Defendant resides and may be found in the District of Connecticut. Plaintiffs ("Plaintiffs") are a group of private citizens with diverse citizenship. Accordingly, venue in the location of at least one of the parties is proper pursuant to 28 U.S.C. §1391. Further, a transfer of this matter is in the interest of justice because the facts giving rise to this case and all witnesses with knowledge of those facts reside in the District of Connecticut.

In the alternative, Defendant moves this Court to transfer this action to the District of Delaware pursuant to 28 U.S.C. § 1406(a). Any Plaintiff that Defendant's website agreed to its Terms of Use Agreement, which agreement provides for the resolution of any disputes in the Courts in and for the Delaware. Therefore, venue is proper in that District pursuant to the Agreement and under 28 U.S.C. §1391.

In support of this motion, Defendant relies upon all pleadings of record, and Defendant's brief filed contemporaneously herewith, including all attached exhibits.

WHEREFORE, Defendant prays that this Court enter an order granting the following relief:

- (1) Ordering the Clerk of Court to immediately transfer this matter to the District of Connecticut; or
- (2) Ordering the Clerk of Court to immediately transfer this matter to the District of Delaware; and
- (3) Awarding Bidcactus such other relief as this Court deems just and proper.

Respectfully submitted this 15th day of April, 2011.

s/Dennis Minichello
Attorney for Defendant Bidcactus, LLC